

Project No: 6115 and 6116
Project Name: Marylinn Drive Sanitary Sewer Replacement

**AMENDMENT No. 1 TO CONSULTING SERVICES AGREEMENT BETWEEN
THE CITY OF MILPITAS AND RMC WATER AND ENVIRONMENT**

This Amendment is entered into this 1st day of March, 2016, by and between the City of Milpitas, a municipal corporation of the State of California (hereafter referred to as "CITY") and RMC Water and Environment, a California corporation (hereafter referred to as "CONSULTANT").

RECITALS

WHEREAS, the parties entered into an agreement on January 7, 2014 entitled "Consulting Services Agreement between the City of Milpitas and RMC Water and Environment." ("Agreement") for professional design services for the preparation of plans and specifications and obtain easements and regulatory permits for the replacement of the sanitary sewer along Marylinn Drive and I-880. (Projects No. 6115 and 6116); and

WHEREAS, the parties desire to amend the Agreement to provide additional design service for the preparation of plans, specifications, and obtaining easements and permits for the rehabilitation of the existing sanitary sewer line;

NOW THEREFORE, in consideration of the mutual covenants and conditions herein contained, the parties agree to amend the Agreement as follows:

1. Section 1, entitled "Services" is amended by adding Exhibit "**A-Amendment 1**", which is attached hereto and incorporated by reference herein.
2. Section 2, entitled "Compensation" is amended to add Exhibit "**B-Amendment 1**", which is attached hereto and incorporated by reference herein. Section 2 is further amended by adding the following to the end of the Section:

The compensation for the services set forth in Exhibit "**B-Amendment 1**" is a "not to exceed" amount. The total maximum amount of compensation to be paid for tasks outlined in Exhibit "**B-Amendment 1**" shall be **\$55,000.00**.

3. The Consultant agrees to maintain and pay for all insurance policies as stated in Section 4, entitled "Insurance Requirements" of the Agreement dated **January 7, 2014**, between RMC Water and Environment and the City of Milpitas. The Consultant shall provide the City with renewal certificates of the current policies upon the expiration of the current policy.

4. All other provisions of the Agreement shall remain in full force and effect.

This Amendment is executed as of the date written on Page 1.

APPROVED BY:

CITY OF MILPITAS

RMC Water and Environment
CONSULTANT

Thomas C. Williams, City Manager

Michael H Matson, Sr. Vice President

APPROVED AS TO CONTENT:

CORPORATE ENTITY NUMBER

Steve Machida, Director of Engineering /
City Engineer

C2071660

APPROVED AS TO FORM:

Christopher J. Diaz, City Attorney